

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2010-1993-PWS-E TCEQ ID: RN101202604 CASE NO.: 40835**  
**RESPONDENT NAME: City of Slaton**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Slaton, 130 South 9th Street, Slaton, Lubbock County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on October 7, 2010, alleging low chlorine residual and poor water quality. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 28, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> The Honorable D. W. Englund, Mayor, City of Slaton, 130 South 9th Street, Slaton, Texas 79364  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> October 7, 2010</p> <p><b>Date of Investigation Relating to this Case:</b> October 12 and 13, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 24, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.5 milligrams per liter ("mg/L") chloramine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4)].</p>	<p><b>Total Assessed:</b> \$818</p> <p><b>Total Deferred:</b> \$163  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$655</p> <p><b>Compliance History Classification:</b>            Person/CN – Average            Site/RN – N/A</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on November 4, 2010, the Respondent implemented a manual flushing program in order to maintain a disinfectant residual of 0.5 mg/L chloramine throughout the distribution system until such time that new distribution lines and automatic flush valves can be installed.</p>

Additional ID No(s): PWS ID No. 1520004



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	29-Nov-2010	<b>Screening</b>	9-Dec-2010	<b>EPA Due</b>	
	<b>PCW</b>	5-Jan-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Slaton		
<b>Reg. Ent. Ref. No.</b>	RN101202604		
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	40835	<b>No. of Violations</b>	2
<b>Docket No.</b>	2010-1993-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephen Thompson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	34.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$255
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Notes: Enhancement for two NOV's with same/similar violations, two NOV's with dissimilar violations and one agreed final enforcement order containing a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$187
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$101  
Approx. Cost of Compliance \$250  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$818
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$818
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$818
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$163
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$655
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Screening Date 9-Dec-2010

Docket No. 2010-1993-PWS-E

PCW

Respondent City of Slaton

Policy Revision 2 (September 2002)

Case ID No. 40835

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101202604

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 34%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 34%

Screening Date 9-Dec-2010

Docket No. 2010-1993-PWS-E

PCW

Respondent City of Slaton

Policy Revision 2 (September 2002)

Case ID No. 40835

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101202604

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4)

Violation Description

Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.5 milligrams per liter ("mg/L") chloramine throughout the distribution system at all times. Specifically, on October 12, 2010, the disinfectant residual was measured to be 0.00 mg/L at 10216 East County Road 7540, 0.03 mg/L at 470 Industrial Drive, 0.04 mg/L at 350 Industrial Drive, 0.05 mg/L at 18607 County Road 3600, 0.06 mg/L at 1325 East Knox and 0.10 mg/L at 945 South Flint.

Base Penalty

\$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent

50%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent

0%

Matrix Notes

Failure to provide an adequate amount of disinfectant in the drinking water distribution system may expose consumers to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment

\$500

\$500

## Violation Events

Number of Violation Events

1

Number of violation days

1

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty

\$500

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$125

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X

(mark with x)

The Respondent achieved compliance on November 4, 2010.

Violation Subtotal

\$375

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount

\$51

Violation Final Penalty Total

\$545

This violation Final Assessed Penalty (adjusted for limits)

\$545

# Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 40835  
**Reg. Ent. Reference No.** RN101202604  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	12-Oct-2010	4-Nov-2010	0.06	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to institute a manual flushing program to ensure that an adequate disinfectant residual is maintained throughout the distribution system at all times, calculated from the date of the investigation to the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	12-Oct-2010	13-Oct-2010	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to perform manual flushing of the distribution lines to ensure that an adequate disinfectant residual is being maintained, calculated for the date on which the low disinfectant residual readings occurred.

Approx. Cost of Compliance

\$200

**TOTAL**

\$51

Screening Date 9-Dec-2010

Docket No. 2010-1993-PWS-E

PCW

Respondent City of Slaton

Policy Revision 2 (September 2002)

Case ID No. 40835

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101202604

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4)

## Violation Description

Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.5 mg/L of total chlorine throughout the distribution system at all times. Specifically, on October 13, 2010, the disinfectant residual was measured to be 0.02 mg/L at 910 Industrial Drive, 0.04 mg/L at 350 Industrial Drive and 0.04 mg/L at the old Westex Portable Welding shop on Industrial Drive.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential		X	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix  
Notes

Failure to provide an adequate amount of disinfectant in the drinking water distribution system may expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$62

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X	

(mark with x)

The Respondent achieved compliance on November 4, 2010.

Violation Subtotal \$188

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$273

This violation Final Assessed Penalty (adjusted for limits) \$273

# Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 40835  
**Req. Ent. Reference No.** RN101202604  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs associated with this violation are captured in violation no. 1.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	13-Oct-2010	14-Oct-2010	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to perform manual flushing of the distribution lines to ensure that an adequate disinfectant residual is being maintained, calculated for the date on which the low disinfectant residual readings occurred.

Approx. Cost of Compliance

\$50

**TOTAL**

\$50



# Compliance History

Customer/Respondent/Owner-Operator: CN600735005 City Of Slaton Classification: AVERAGE Rating: 2.50

Regulated Entity: RN101202604 CITY OF SLATON Classification: Site Rating: 1520004

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
WATER LICENSING LICENSE 1520004

Location: 130 SOUTH 9TH ST, SLATON, LUBBOCK COUNTY, TX

TCEQ Region: REGION 02 - LUBBOCK

Date Compliance History Prepared: December 09, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 09, 2005 to December 09, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Stephen Thompson Phone: (512) 239-2558

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/22/2010 ADMINORDER 2009-0836-PWS-E

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)  
Description: Failure to provide adequate wellhead protection.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Description: Failure to prepare a Plant Operations Manual.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)  
Description: Failure to lock the southwest hatch on the 1 million gallon Ground Storage tank.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
Description: Failure to provide a liquid level indicator on the Elevated Storage Tanks.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
Description: Failure to provide adequate backflow protection.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)  
Description: Failure to test wells that are not in use.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
Description: Failure to develop a Monitoring Plan.

- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 03/27/2006 (458570)
- 2 07/05/2006 (485357)
- 3 11/27/2007 (597362)
- 4 02/11/2008 (617897)
- 5 05/12/2009 (744539)
- 6 10/21/2009 (779837)
- 7 07/05/2010 (829568)
- 8 10/29/2010 (860222)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/27/2006	(458570)	CN600735005
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)		
Description:	Facility failed to maintain required chlorine residual throughout the distribution system.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Facility failed to maintain required water pressure under normal operating conditions throughout the distribution system.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)		
Description:	Facility failed to provide proper sealing blocks on all wells. The sealing blocks are all cracked.		
Date:	11/27/2007	(597362)	CN600735005
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)		
Description:	Failure to properly secure the hatch on Ground Storage Tank #3. The lock hasp on Ground Storage Tank #3 was completely rusted to the point that it was loose from the weld point on the hatch curb.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6)		
Description:	Failure to maintain Ground Storage Tank #3 in a thoroughly leak proof condition including failure to provide a positive seal gasket on the ground storage tank hatch.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)		
Description:	Failure to properly seal the pump base and screen the casing vent on Well #23.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)		
Description:	Failure to properly seal the pump base on Well #27.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6)		
Description:	Failure to maintain Ground Storage Tank #4 in a thoroughly leak proof condition. The roof of the ground storage tank has rusted through around the edges and around the base of the roof vent.		

Date: 09/09/2009 (767965) CN600735005  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)  
 Description: Failure to provide the minimum required distribution system pressure of 35 psi.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)  
 Description: Failure to maintain the minimum required chloramine residual of 0.5 mg/L total.

Date: 10/29/2010 (860222) CN600735005  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)  
 Description: Failure to use an American National Standards Institute/National Sanitation Foundation (ANSI/NSF) approved additive.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
 Description: Failure to provide an appropriate overflow on the 0.07 MG elevated storage tank.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
 Description: Failure to provide a flow measuring device for each well.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)  
 Description: Failure to meet the minimum required pressure tank capacity at the airport (Pressure Plane #2).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)  
 Description: Failure to meet applicable design and construction standards.

- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF SLATON  
RN101202604**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-1993-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Slaton ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 130 South 9th Street in Slaton, Lubbock County, Texas (the "Facility") that has approximately 2,163 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 29, 2010.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Eight Hundred Eighteen Dollars (\$818) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Fifty-Five Dollars (\$655) of the administrative penalty and One Hundred Sixty-Three Dollars (\$163) is deferred



contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that on November 4, 2010, the Respondent implemented a manual flushing program in order to maintain a disinfectant residual of 0.5 milligrams per liter ("mg/L") chloramine throughout the distribution system until such time that new distribution lines and automatic flush valves can be installed.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.5 mg/L chloramine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4), as documented during investigations conducted on October 12 and 13, 2010.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").





#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Slaton, Docket No. 2010-1993-PWS-E" to:  
  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director


\_\_\_\_\_  
Date 3/4/2011

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

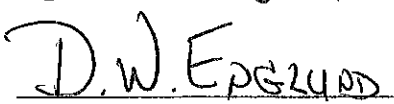
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

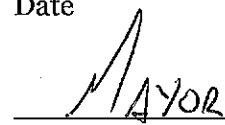
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 1-19-2011

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Slaton

  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

